

REMARKS

Initially Applicant would like to express appreciation to the Examiner for the detailed Official Action provided.

Upon entry of the above amendments, claims 1, 5 and 8 will have been amended. Claims 1, 3-5, 7, 8 and 10 are currently pending. Applicant respectfully request reconsideration of the outstanding objection and rejection, and allowance of the claims pending in the present application.

In the Official Action, the Examiner objected to the Specification for being replete with incorrect grammar or non-idiomatic English (see, paragraph 2 of the Office Action). Applicant has revised the specification, paying particular attention to the concerns raised by the Examiner. Further, in accordance with the Examiner's request, Applicant has again reviewed the specification for errors and have not become aware of any. Accordingly, the objection to the Specification is believed to be moot and is respectfully requested to be withdrawn.

In the Official Action, the Examiner rejected dependent claims 1, 3-5, 7, 8 and 10 under 35 U.S.C. § 103(a) as being unpatentable over TRONVILLE (U.S. Patent No. 4,432,564) in view of MACISAAC (U.S. Patent No. 4,550,926) and HOLBROOK (U.S. Patent No. 6,767,153).

Without acquiescing to the propriety of the Examiner's above-noted rejections, Applicant has amended independent claims 1, 5, and 8 solely in order to more clearly recite the presently claimed invention and to expedite prosecution of the present application.

In this regard, Applicant submits that TRONVILLE, MACISAAC, and HOLBROOK, alone or in any properly reasoned combination, fail to disclose the combination of elements as recited in independent claims 1, 5 and 8.

In particular, claims 1, 5 and 8 each set forth a torsion beam axle suspension including, inter alia, a mount provided in the outermost end of the left and right trailing arms that mounts a shock absorber, the mount comprising a ball joint having a generally cylindrical socket, insertion holes provided on opposing surfaces of the socket, and fasteners inserted into the insertion holes, the fasteners being provided on opposing surfaces of the socket such that longitudinal axes of opposing fasteners are aligned, the fasteners being configured to adjust a position of the shock absorber.

Applicant submits that the applied prior art, alone or in any properly reasoned combination, fails to disclose at least the above-noted combination of elements.

In setting forth the rejection, the Examiner asserts that TRONVILLE and MACISSAC disclose the general structure of the presently claimed invention. However, the Examiner acknowledges that TRONVILLE and MACISSAC do not disclose the presently claimed insertion holes and fasteners (see, paragraph 5 of the Office Action). Nevertheless, the Examiner asserts that the teachings of HOLBROOK supplies the aforementioned deficiencies of TRONVILLE and MACISSAC.

Contrary to the Examiner's assertions, Applicant submits that the socket of the presently claimed invention is different structurally from the socket of HOLBROOK. More specifically, Applicant submits that HOLBROOK discloses the fasteners 350 being provided on the same side surface of the first housing section 310.

Thus, Applicant submits HOLBROOK does not disclose at least the presently claimed fasteners being provided on opposing surfaces of the socket; much less, longitudinal axes of opposing fasteners being aligned, as generally recited in independent claims 1, 5 and 8.

Thus, even assuming, arguendo, that the teachings of TRONVILLE, MACISAAC, and HOLBROOK, have been properly combined (and Applicant submits they can not), the proposed combination still would not have resulted in the features of the embodiments of the present disclosure, as recited in amended claims 1, 5 and 8. Further, Applicant submits that the only reason to combine the teachings of the applied prior art results from a review of Applicant's disclosure and the application of impermissible hindsight.

Further, contrary to the Examiner's assertions (see, Page 6, lines 1-3 of the Official Action) Applicant has clearly identified why the Examiner's proposed combination is an improper modification.

More specifically, Applicant submits that the Examiner acknowledges that TRONVILLE does not disclose the presently claimed ball joint. Nevertheless, the Examiner takes the position that it would have been obvious to modify TRONVILLE with the ball joint purportedly taught by MACISAAC, and further to modify the ball joint (as purportedly disclosed in MACISAAC) to include, inter alia, the insertion holes of HOLBROOK. However, Applicant submits that modifying TRONVILLE to include the ball joint, as purportedly taught in MACISAAC and further modifying MACISAAC, with the purported teachings of HOLBROOK, to include the presently claimed insertion holes and fasteners, is an impermissible modification of a modification. In other words, the Examiner is suggesting modifying the secondary modifying reference relied upon in forming the above-noted basis for rejection.

Accordingly, Applicant submits that the rejection of claims 1,3-5, 7, 8 and 10, under 35 U.S.C. § 103(a) is improper for all the above reasons and withdrawal thereof is respectfully requested.

In view of the arguments herein, Applicant submits that independent claims 1, 5 and 8 are in condition for allowance. With regard to dependent claims 3, 7 and 10, Applicant asserts that they are allowable on their own merit, as well as because of their respective dependencies from independent claim 1 which Applicant has shown to be allowable.

Thus, it is respectfully submitted that all of the claims in the present application are clearly patentable over the references cited by the Examiner, either alone or in combination, and an indication to such effect is respectfully requested, in due course.